

FILED
UNITED STATES DISTRICT COURT IN CLERKS OFFICE
DISTRICT OF MASSACHUSETTS
MAR 14 2005 P 4:19

DENISE McKEOWN, ROBERT LUTTS,

Plaintiffs

V.

ADVEST, INC., et al.,

Defendants

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No: 05-CV-10176-RGS

**DEFENDANT ADVEST, INC.'S MOTION
TO DISMISS THE COMPLAINT**

Defendant Advest, Inc. (“Advest”) hereby moves this Court to dismiss the Complaint in this action with prejudice pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6).

The grounds for this Motion are set forth in the accompanying memorandum.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Advest requests oral argument on this Motion.

ADVEST, INC.

By its attorneys,

Jonathan L. Kotlier (BBO#545491)

Sarah E. Walters (BBO#638378)

Nutter McClennen & Fish LLP

World Trade Center West

155 Seaport Boulevard

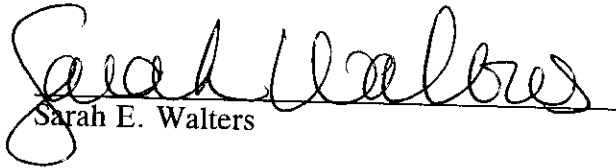
Boston, MA 02210

617-439-2000

March 14, 2005

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

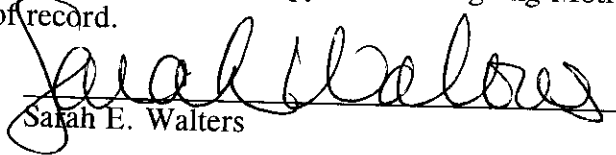
I, Sarah E. Walters, certify that on March 9, 2005 I conferred with William A. Sheridan, counsel to plaintiffs, to resolve the issues raised by this Motion but was unable to do so.


Sarah E. Walters

March 14, 2005

CERTIFICATE OF SERVICE

I, Sarah E. Walters, certify that on March 14, 2005 a copy of the foregoing Motion has been sent by hand delivery to all counsel of record.


Sarah E. Walters

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